

MINUTE ENTRY CR- 04-00029-002
9:00 a.m.

January 10, 2005

UNITED STATES OF AMERICA -v- HUANG, JIN YONG aka "Ah Rong"

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
MICHELLE C. MACARANAS, Deputy Clerk
JAMIE BOWERS, Assistant U. S. Attorney
HUANG, JIN YONG, Defendant

PROCEEDING: SENTENCING

Defendant was represented by his court appointed counsel, Attorney Perry Inos. Government by Jamie Bowers, AUSA. Also present was Probation Officer, Margarita Wonenberg.

Yu Mei Xie was sworn as interpreter/translator.

No objection by the government of the presentence report. Counsel for defendant stated the defendant's objections and corrections were made for the record.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government recommended that the sentencing should be at the upper level of the guideline range. Defense recommended that the defendant be sentenced on the low-end of the guideline range. Defense also moved the Court not to impose any fine.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant HUANG, JIN YONG is hereby sentenced to 41 months with credit of time served and supervised release for a term of three (3) years. The term of supervised release will commence immediately and will require that the defendant comply with the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. Â§ 3583 (d), and with the establish procedures provided by the Immigration and Naturalization Act under 8 U.S.C. Â§1101.

As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release.

2. That the defendant shall not commit another federal, state or local crime;

3. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter for use of a controlled substance;

4. That the defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission;

5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or having it where he resides; and

6. That the defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office.

Further, the defendant was ordered to pay restitution, jointly and severally with his co-defendant Yan, Jin Shi, to Fu, Guo Yan in the amount of \$420.00. This payment shall be made through the Clerk's Office for disbursement to the Payee. All fines are waived.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal. Defendant was remanded back into the custody of the United States Marshal.

Adj 9:20 a.m.

Michelle C. Macaranas, Deputy Clerk; [MCM EOD 01/10/2005]